

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CRYSTAL MICHELLE PARHAM,

Plaintiff,

v.

DATA SERACH COLLECTION, INC.,

Defendant.

3:17-cv-02941-N

JOINT INITIAL REPORT

Pursuant to Fed. R. Civ. P. 26(f) and this Court's Order (Dkt. 19), the Parties submit the following Joint Initial Report.

A. Brief statement of the nature of the case and the contentions of the parties.

Plaintiff's position: Plaintiff brings Count I of her complaint for alleged violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.* Plaintiff alleges that Defendant violated the FDCPA by unfairly, misleadingly, and harassingly contacting her seeking payment of a consumer debt.

Plaintiff brings Count II of her complaint for alleged violations of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C §227 *et seq.* Plaintiff alleges that Defendant violated the TCPA by placing collection calls to her cellular phone using an automated telephone dialing system ("ATDS") without her consent. Any consent that Plaintiff *may* have given to a party of interest was revoked by her demands to cease calling.

In Counts III and IV, Plaintiff further alleges that the above described conduct by Defendant violated the Texas Debt Collection Act ("TDCA"), Tex. Fin. Code Ann. §392.001 *et*

seq. and the Texas Deceptive Trade Practices Act (“DTPA”), Tex. Bus. & Com. Code §17.45 *et seq.*

Defendant’s position: Defendant denies any wrongdoing and denies that Plaintiff has suffered any harm by Defendant’s conduct.

B. Status of settlement discussion (excluding any discussion of amounts).

The parties have actively engaged in settlement discussions including informally exchanging information relevant to the case. At this time those discussion have been suspended although the parties are willing to re-engage in the same once discovery is exchanged.

C. Possible joinder of additional parties.

At this time the parties do not believe that additional parties will be added to this litigation.

D. Any anticipated challenges to jurisdiction or venue.

The parties do not anticipate any challenges to jurisdiction or venue.

E. Date by which the case will be ready for trial and estimated length of trial.

The parties believe this case will be ready for trial by February 10, 2019 and do not anticipate any trial lasting more than two days.

F. The desirability of ADR, and the timing for ADR.

The parties believe that ADR may be beneficial to resolution of the case and will complete any ADR by the close of fact discovery.

G. Any objections to disclosures under Rule 26(a)(1).

The parties plan to fully comply with Rule 26(a)(1).

RULE 26(f) REPORT

Pursuant to Fed. R. Civ. P. 26(f) and this Court's Order (Dkt. 19), the Parties submit the following Rule 26(f) Report.

Since December 4, 2017 the parties have been actively discussing the case, including settlement, through a series of email exchanges and telephone conversations. In furtherance of settlement discussions, the parties have informally exchange information and spoken at length about the merits of Plaintiff's claims. All topics required by Rule 26(f)(2) have been covered and the parties will make their initial disclosures under Rule 26(a)(1) by January 18, 2018.

Dated: January 9, 2018

CRYSTAL MICHELLE PARHAM

s/ Nathan Volheim
Nathan C. Volheim, #6302103
Sulaiman Law Group, Ltd.
2500 South Highland Ave., Suite 200
Lombard, Illinois 60148
Phone: (630) 568-3056
Facsimile: (630) 575-8188
Email: nvolheim@sulaimanlaw.com
Attorney for Plaintiff

DATA SEARCH, INC.

s/ A. Lee Rigby
A. Lee Rigby
Smith Robertson LLP
221 West Sixth Street, Suite 1100
Austin, TX 78701
Phone: 512-225-5800
Facsimile: 512-225-5838
Email: lrigby@smith-robertson.com
Attorney for Defendant